

# **EXHIBIT 8**

KOHN, SWIFT & GRAF, P.C.

ONE SOUTH BROAD STREET, SUITE 2100

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1914-1999

OF COUNSEL  
MERLE A. WOLFSON  
LISA PALFY KOHN

January 31, 2013

<sup>†</sup> ALSO ADMITTED IN NEW YORK  
<sup>°</sup> ALSO ADMITTED IN NEVADA  
<sup>\*</sup> ALSO ADMITTED IN NEW JERSEY

VIA FEDERAL EXPRESS

Ms. Leslie Arias  
Bank Regulatory Compliance Associate  
Banco Santander, S.A.  
45 East 53<sup>rd</sup> Street  
New York, NY 10022

**Re: Aldo Vera v. Cuba, No. 12-1596**

Dear Ms. Arias:

I am co-counsel for the plaintiff with Jeffrey Glen of Anderson Kill & Olick in the above matter where we are attempting to recover on a substantial judgment against the Republic of Cuba. In Banco Santander's November 1, 2012 response to the information subpoena served on the Bank in this matter, you limited the Bank's response to information at the New York branch of the Bank. However, the information subpoena expressly requested information from the Bank worldwide. Since the plaintiff will have to seek collection of his judgment outside the United States, information from the Bank's branches worldwide is useful and relevant to deciding in which countries to seek enforcement and against which Cuban government owned entities to seek recovery. Moreover, there is solid legal precedent for the position that a plaintiff is entitled to information from a bank's worldwide branches to enable the plaintiff to recover on his judgment. See *EM Ltd. v. Republic of Argentina*, 695 F.3d 201 (2d Cir. 2012) and *Eitzen Bulk A/S v. Bank of India*, 827 F.Supp.2d 234 (S.D.N.Y. 2011).

Would you please advise me by Wednesday February 6 whether Banco Santander is willing to supplement its response to the information subpoena with information from its branches worldwide. If you respond in the affirmative, I will allow the Bank a reasonable time to gather the information. You should be aware that the Court entered a Protective Order in this matter on January 22, 2013 (ECF #24). Banco Santander could protect the confidentiality of any information furnished to plaintiff by becoming a signatory thereto.

KOHN, SWIFT & GRAF, P.C.

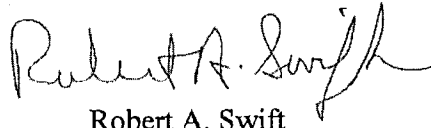
CONTINUATION SHEET No. 2

MS. LESLIE ARIAS  
JANUARY 31, 2013

If Banco Santander declines to furnish the requested information or I do not receive a response from you, plaintiff will be required to file a Motion to Compel with the Court on February 7, 2013.

I look forward to hearing from you by February 6, 2013.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert A. Swift".

Robert A. Swift

RAS/yr

KOHN, SWIFT & GRAF, P.C.

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January 31, 2013

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<sup>\*</sup> ALSO ADMITTED IN NEVADA  
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VIA FEDERAL EXPRESS and E-MAIL

Jennifer G. Newstead, Esquire  
Davis Polk  
450 Lexington Avenue  
New York, NY 10017

Re: Aldo Vera v. Cuba, No. 12-1596

Dear Ms. Newstead:

I am co-counsel for the plaintiff with Anderson Kill & Olick in the above matter where we are attempting to recover on a substantial judgment against the Republic of Cuba. In Intesa Sanpaolo's December 6, 2012 and January 9, 2013 responses to the information subpoena served on the Bank in this matter, you limited the Bank's response to information at the New York branch of the Bank. However, the information subpoena expressly requested information from the Bank worldwide. Since the plaintiff will have to seek collection of his judgment outside the United States, information from the Bank's branches worldwide is useful and relevant to deciding in which countries to seek enforcement and against which Cuban government owned entities to seek recovery. Moreover, there is solid legal precedent for the position that a plaintiff is entitled to information from a bank's worldwide branches to enable the plaintiff to recover on his judgment. See *EM Ltd. v. Republic of Argentina*, 695 F.3d 201 (2d Cir. 2012) and *Eitzen Bulk A/S v. Bank of India*, 827 F.Supp.2d 234 (S.D.N.Y. 2011).

Would you please advise me by Wednesday February 6 whether Intesa Sanpaolo is willing to supplement its response to the information subpoena with information from its branches worldwide. If you respond in the affirmative, I will allow the Bank a reasonable time to gather the information. As you are aware, the Court entered a Protective Order in this matter on January 22, 2013 (ECF #24) to which Intesa Sanpaolo is signatory. Therefore the Bank is able to protect the confidentiality of any information furnished to plaintiff.

KOHN, SWIFT & GRAF, P.C.

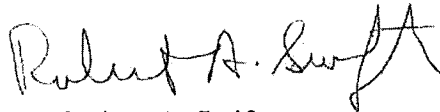
CONTINUATION SHEET NO. 2

JENNIFER NEWSTEAD, ESQ.  
JANUARY 31, 2013

If Intesa Sanpaolo declines to furnish the requested information or I do not receive a response from you, plaintiff will be required to file a Motion to Compel with the Court on February 7, 2013.

I look forward to hearing from you by February 6, 2013.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert A. Swift", with a stylized flourish at the end.

Robert A. Swift

RAS/yr